

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE SIDE

WRIT PETITION NO.463 OF 2000

Shri Maruti Gundappa Telang

..Petitioner

Versus

The State of Maharashtra & Ors..Respondents

Mr. R.K. Mendadkar, for the Petitioner.

Mr. R.D. Rane, Govt. Pleader for Respondent Nos. 1 and 3.

CORAM : F.I. REBELLO &**S.J.VAZIFDAR, JJ.****DATED : 28TH FEBRUARY 2007****P.C.**

. The petitioner claims as belonging to Gond, Scheduled Tribe, a notified Schedule Tribe of State of Maharashtra. This Court while hearing the petition had noted certain discrepancies in the report of the Vigilance Cell as annexed to the petition dated 28th July, 1998 and English translation and the findings by the Committee in its order dated 13th December, 1999. Whereas the English translation of the Vigilance Enquiry Report indicates that the petitioner was familiar with the traits and characteristics of Gond S.T. The report of the Scrutiny Committee indicates that the Vigilance Officer had revealed that the petitioner was not aware of the traits and characteristics of the Gond S.T. Mr. Rane, Government Advocate points out that they have tried to search the record, but have been unable to do so either at Nasik or at Aurangabad based on the information given to him by the members of the Committee.

2. However, Mr. Rane did produce the original school register of the Secondary School in the 7th Standard where

initially the petitioner's caste was shown as Hindu Telang and subsequently seems to have been erased and on that written "Gounda". The petitioner, however, has sought to produce certain additional material of his relatives to indicate that the entry in the school register by itself should not be held against him as his close relatives have been held to be belonging to Gond Schedule tribe. Some of the documentary evidence refers to Raj Gond. The learned Counsel for the petitioner now informs that the Presidential Notification has been amended whereby after the word "Raj" a coma has been inserted and consequently Gond by itself is now treated as a Scheduled tribe distinct from Raj. Considering this material and as it involves a declaration as to the petitioner's tribe status based on record as it stands, it cannot be conclusively determined either way including as to whether the petitioner's father was originally a resident in the State of Maharashtra. For all the aforesaid reasons we set aside the order dated 13th December, 1999 and direct the Caste Scrutiny Committee, Aurabgabad to conduct a fresh Vigilance Enquiry and also give an opportunity to the petitioner and thereafter decide the petitioner's claim according to law. The petitioner within seven days from today to forward to the Committee, secondary evidence of the Caste Certificate, as it appears that the original certificate forwarded to the Committee is not available. The Committee to consider the same and decide according to law at any rate not later than six months from today. Rule made absolute accordingly. There shall be no order as to costs.

(F.I.REBELLO, J)

